


**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

FILED BY  D.C.

05 MAY -2 PM 2:09

MICHAEL CURSEY and MARY L. HUGHES, )

Plaintiffs, )

v. )

No. 03-2674 D/V

FICKRY RAPHAEL, UMA GROUP, LTD. )  
d/b/a CONSULTANTS UMA, AVIS RENT A )  
CAR SYSTEM, INC., SIMON PROPERTY )  
GROUP, L.P., RALEIGH SPRING, LLC, and )  
SEARS, ROEBUCK, and CO., )

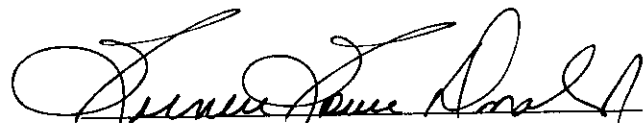
Defendants. )

ROBERT E. D. TRELINO  
CLERK, U.S. DIST. CT.  
WESTERN DISTRICT OF TENN., MEMPHIS

**ORDER DENYING AS MOOT, WITHOUT PREJUDICE, DEFENDANT SEARS  
ROEBUCK AND COMPANY'S MOTION FOR SUMMARY JUDGMENT**

Before the Court is Defendant Sears Roebuck and Company's ("Sears") motion for summary judgment (dkt. # 59). On April 14, 2005, Sears filed a notice of withdrawal of the affidavit of Laura Weeks. In that notice, Sears formally withdrew its summary judgment motion without prejudice to refiling. Thus, the instant summary judgment motion is denied as moot without prejudice to Sears refiling a summary judgment motion.

IT IS SO ORDERED this 2nd day of May, 2005.

  
**BERNICE BOUIE DONALD**  
**UNITED STATES DISTRICT JUDGE**

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 5-2-05

(81)



## Notice of Distribution

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Honorable Bernice Donald  
US DISTRICT COURT